

REMARKS

Claims 1, 3-9, and 11-12 are currently pending in this application, while claims 13-27 have been previously withdrawn from consideration. Claims 2 and 10 have been previously canceled without prejudice to or disclaimer of the subject matter of those claims. Claim 28 has been canceled without prejudice to the subject matter therein.

The Pending Rejections

Claims 9, 11-12 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 5,554,114 to Wallace et al. Claim 9 stands rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 5,163,431 to Griep. Claims 9-10 and 28 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 5,425,723 to Wang. Claims 9-10 and 12 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 5,681,274 to Perkins et al. or U.S. Patent No. 5,322,521 to Wilk or U.S. Patent No. 5,176,664 to Weisman. Claims 9-10 and 12 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,780,175 to Sachdeva et al.

Claims 1, 3-5 and 6-8 stand rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Lange, U.S. Patent No. 6,036,682, further in view of either Todd, U.S. Patent No. 4,568,338, or McGurk, U.S. Patent No. 5,676,659.

Claims 9 and 11-12 Are Allowable

Claim 9 and all of its dependent claims are patentable over the six 102 references cited by the Office action. Of these six references, only one (Wang 5,425,723) was cited against the language added to claim 9 from claim 28. In making its rejection of claim 28, the Office action didn't identify any specific passage from Wang that discloses or suggests three layers of differing hardness as in claim 9. At best, Wang contains two single layer tubes 32 and 40 with a space between them. See Figs. 2-5. This is not a "steerable guide catheter [with] a first layer, a second layer, and a third layer, each layer having a different hardness," as recited in claim 9. Consequently, claims 9 and 11-12 are all allowable over the cited references.

Claims 1, and 3-8 Are Allowable

Claim 1 has been amended for grammatical reasons and not in any way to change the scope of the claim nor for any reason related to its patentability.

Reconsideration of claim 1 is requested because the primary reference, Lange, doesn't discuss or suggest changing the hardness of the walls of the catheter described therein. Lange discusses the use of a radiopaque agent in a catheter material to make the catheter and its

orientation more visible during a medical procedure. There is no discussion that the portions of the catheter with the radiopaque material in Lange are any harder than other portions of the catheter. The regions in the catheter of Lange identified in the Office action (54, 34, 56, and 40) are simply areas of differing radiopaque properties. The accompanying discussion of these features doesn't address hardness, so there is no reason to believe that they have a varying hardness as recited in claim 1.

As to claim 3 reconsideration is requested at least because neither cited secondary reference (Todd or McGurk) discloses a third catheter. The Office action suggests that a guide wire can be a catheter, but this is not the case as a catheter has an internal lumen, something a wire doesn't have. Claim 3 is patentable for at least this reason.

As to claim 6, reconsideration is requested at least because the cited references don't have a cross-linking polymer activated by ultra-violet light as recited in the claim.

As to claim 7, reconsideration is requested at least because the cited references don't disclose a bendable curve memory portion of the second catheter with an outer and inner layer of different hardness.

As to claim 8, reconsideration is requested at least because the cited references also don't disclose the second layer of claim 7 being harder than the first layer.

Since there is no disclosure or suggestion of the language discussed above, there is no need to address the incompatibility of the references combined in the Office action.


CONCLUSION

At least based upon the above discussion, the undersigned submits that each of the pending claims is patentable over the cited references. Reconsideration is, consequently, requested.

Should the Examiner have any questions regarding this case, the undersigned may be reached at (202) 220-4311.

Respectfully submitted,

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